

3/10/11 HB 302 (Janna Taylor) in Senate Highways&Transportation Committee, testimony by Paul Nachman

EXHIBIT NO.

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BILL NO.

HB 302

HB 302 is a good idea: Driver's license exams in Montana should be available only in English as a matter of public safety. Since driving is a privilege rather than a fundamental right, it's appropriate that public safety be the primary consideration.

Nine states currently offer their exams solely in English, Wyoming among them. So are Hawaii and Arizona ... surprising, given their demographics.

But in Montana, the written exam is offered in Chinese, Russian, and Spanish. This is odd, both in comparison with Hawaii and Arizona and because the Montana Code declares English to be our state's official language for public business. [1-1-510; so how did it happen??]

The safety concerns that come with offering exams in languages besides English arise from such drivers' inability to read traffic signs and to communicate with officers and others in emergencies. There are a number of cases in other states where drivers caused accidents for others or suffered themselves because they couldn't read or speak English.

The most "spectacular" examples involve drivers of buses or trucks who couldn't speak English. Consider a 2001 case involving a chartered bus from a Boston agency taking a group of middle-schoolers from Newton, Massachusetts to an orchestral event in Halifax, Nova Scotia. In New Brunswick, the driver missed the off ramp to the Trans-Canada Highway, blundering instead into a tight cloverleaf, where his bus careened off the road. He had been going about 60 mph in a zone posted for 20. Four students were killed, and eleven were seriously injured. When the Royal Canadian Mounted Police arrived, they had to call for a translator, since the driver spoke only Chinese.

Tennessee is considering a bill like HB302, and a January article in the Cleveland, Tennessee *Banner* quoted the Bradley County Sheriff's Office to the effect that "law enforcement officers sometimes sit on the interstate for two hours waiting for interpreters from Cleveland."

There's another problem with providing the exams in languages besides English. Courts have taken to throwing out DUI convictions when violators weren't given breathalyzer instructions and warnings in those other native languages, reasoning that allowing drivers to take the exams in their native languages obligates the states to issue warnings and citations in the same languages. There was a notable case as far back as 1990 in Illinois where the driver had studied from the Rules of the Road booklet and taken the exam, both in Polish. His DUI conviction was overturned. (Sensibly, the Montana's driver's manual is only available in English.)

It gets worse: In a 2003 DUI case in North Carolina, a Spanish-speaking defendant's lawyer complained that a printed rights form in Spanish that the cop gave the motorist was a "half-measure," thus unacceptable.

(The same article said that some drivers who were given such rights forms in Spanish were found not guilty because they were illiterate. This seems to imply some mind-boggling demands on the police and on American institutions in general.)

Making our driver's tests English-only would go a long way to quashing the problems I've recounted.

There was a bill heard February 16<sup>th</sup> in the Senate Local Government Committee (which Sen. Sonju chairs) to repeal the state's official-English law. In view of what was said by proponents in that hearing and of the bill before us here, I think it's appropriate to place this subject in a larger context with a quote from Thomas Sowell, the renowned economist and public intellectual. In an essay about multicultural education, he wrote:

"None of this has anything to do with whether English is a better language than some other languages. English is in fact more inconsistent and less melodic than French, for example. But we speak English for the same practical reasons that cause people in China to speak Chinese. Attempts to turn this into an invidious-comparisons issue miss the fundamental points that (1) languages exist to serve practical purposes and (2) they serve those purposes better, the more people in the same society speak the same language."